

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BRIANNE D. OLESON,

Plaintiff,

Civil No. 06-6287-AS

v.

O R D E R

MICHAEL J. ASTRUE,
Commissioner of Social Security
Administration,

Defendant.

HAGGERTY, Chief Judge:

Magistrate Judge Ashmanskas issued a Findings and Recommendation [22] in this action that recommended that the final decision of the Commissioner of Social Security denying plaintiff's application for Disability Insurance Benefits (DIB) and Supplemental Security Income (SSI) under Titles II and XVI of the Social Security Act should be reversed and remanded for an immediate calculation and award of benefits.

No objections were filed to this Findings and Recommendation, and the case was referred to me. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. United States Dist. Ct.*, 501 F.2d 196 (9th Cir. 1974).

No clear error appears on the face of the record. This court adopts the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Magistrate Judge's Findings and Recommendation [22] is adopted. The Commissioner's decision that plaintiff Brianne D. Oleson did not suffer from disability and is not entitled to benefits under Titles II and XVI of the Social Security Act is not based upon correct legal standards or supported by substantial evidence. The Commissioner's decision is REVERSED and REMANDED for immediate calculation and award of benefits.

IT IS SO ORDERED.

Dated this 23 day of January, 2008.

/s/ Ancer L. Haggerty
Ancer L. Haggerty
United States District Judge